

**REMARKS**

Reconsideration and further examination of this application is respectfully requested.

Claims 1-7, 13-17, 19, 20-23 and 34 were rejected under 35 USC § 102(e), as being anticipated by Boggs (US5950259). Claims 4, 12, 13, 21, 22, 24, 29 and 34 have been amended and claims 11, 19, 25 and 30 have been canceled. Claims 1-3, 5-10, 14-18, 20, 23, 26-28 and 31-33 are presented in original form or without further amendment. No new matter has been added.

Boggs discloses a lounge chair that includes an aperture and a means to cover the aperture if so desired. This aperture is used for positioning a user's face to facilitate reading while positioned in a prone position. The particular lounge chair that was used to demonstrate the invention included upper and lower body support portions joined by a central support frame having first and second legs pivotally joined thereto.

Specifically Boggs discloses:

"an exemplary lounge chair 1 includes a central support frame 5. A lower body support frame 4 and a first leg 3 are each pivotally joined to the central support frame 5 at a first end thereof. Likewise, an upper body support frame 6 and a second leg 2 are pivotally joined to the central support frame 5 at a second end thereof.

...the upper and lower support frames can be secured to the central support frame 5 by a ratcheting mechanism which permits the respective support frames 4, 6 to extend from the central support frame 5 at any desired angle."

Independent claims 1, 28 and 33 clearly distinguish from the Boggs reference. The Boggs reference fails to disclose distinct structural features of the present application such as the positioning stand that supports the central support chassis. The legs that bear the central support frame of Boggs are clearly a two position structure at best; fully extended, and fully closed. In one embodiment the legs are fixed in an extended position and do not even retract to fold for storage. Boggs states:

"the legs 2, 3 may be pivotally joined to the respective ends of the central support frame 5 with known ball and detent mechanisms which permit the legs to be locked in an extended position as shown in FIG. 1. Alternatively, the legs 2, 3 can remain fixed relative to the frame portions 4-6 in a downwardly extended position."

The Boggs reference fails to disclose a positioning stand with anterior and posterior chassis support frames that are independently rotatably positionable about said

arc of movement of said articulating connector and are rigidly held at more than one point within said arc.

In the present application the anterior and posterior chassis support frames allow the bathing and support device to be specifically adjusted in both height and angle orientation. This is particularly important to adapt the user to a bathing situation where the apparatus is placed in a bath tub filled with water and user is of limited mobility. It is therefore possible with the described embodiments of the present application to position a user at a particular height from the floor surface as well as orient them in a neutral, forward or supine position. This feature may also be used to allow precise positioning of the apparatus on an uneven or unlevel surface. This feature is not described in the Boggs reference, and hence, amended Independent Claim 1 specifically differentiates from Boggs.

Independent Claims 4, 12, 13, 21, 22, 24, 29 and 34 have been amended to include the limitation of a positioning stand with anterior and posterior chassis support frames that are independently rotatably positionable about said arc of movement of said articulating connector and are rigidly held at more than one point within said arc.

Claims 8-12 and 18 were rejected under 35 USC § 103(a), as being unpatentable over Boggs in light of Chun-Yueh (US2003/0011219). Claims 8-11 all contain the limitations of Claim 1 which are differentiated from both Boggs and Chun-Yueh individually or in combination. As stated above regarding Claim 1, Boggs fails to disclose a positioning stand with anterior and posterior chassis support frames that are independently rotatably positionable about said arc of movement of said articulating connector and are rigidly held at more than one point within said arc.

As stated in the Response to the Office Action of August 11, 2006, independent claims 1, 4, 13 and 34 clearly distinguish from the Chun-Yueh reference. The Chun-Yueh reference fails to disclose distinct structural features of the present application. The first structural dissimilarity is the positioning stand that supports the central support chassis. Chun-Yueh discloses:

"[T]he stands 4 each have two couplings 40 respectively pivoted to two ends of the front or rear side of the seat frame 10 of the seat 1 at the bottom side. The couplings 40 each have a lug 41 that limits the turning angle of the respective stand 4 relative to the seat frame 10 of the seat 1. When extending

out the stands 4, the lugs 41 of the couplings 40 are respectively stopped against the seat frame 10 of the seat 1 at the bottom side, and therefore the stands 4 are stopped in the extended position to support the extended folding collapsible deck chair 100 stably on the floor. When not in use, the stands 4 are respectively turned inwards to move the respective couplings 40 away from the seat frame 10 of the seat 1, and then received within the area of the seat frame 10 of the seat 1 and closely attached to the bottom side of the seat 1."

Chun-Yueh is clearly a two position structure; fully extended, and fully closed. The Chun-Yueh reference fails to disclose a positioning stand with anterior and posterior chassis support frames that are independently rotatably positionable about said arc of movement of said articulating connector and are rigidly held at more than one point within said arc. In fact the couplings of Chun-Yueh are not rigidly held, even at the fully extended and fully closed positions. In each of these limit positions the Chun-Yueh couplings are held only in one direction (as a limit stop) with the device containing no means to prevent movement in the opposite direction.

In the present application the anterior and posterior chassis support frames allow the bathing and support device to be specifically adjusted in both height and angle orientation. This is particularly important to adapt the user to a bathing situation where the apparatus is placed in a bath tub filled with water and user is of limited mobility. It is therefore possible with the described embodiments of the present application to position a user at a particular height from the floor surface as well as orient them in a neutral, forward or supine position. This feature may also be used to allow precise positioning of the apparatus on an uneven or unlevel surface.

Independent Claim 12 originally contained the limitation that "each said articulating connector further comprising a superior and an inferior connecting tube, each said superior and inferior connecting tube comprising, a semi-cylindrical articulating connecting receiver with a proximal pivot end fixed within said articulating connector and a distal engagement end for receiving a member that articulates in a single plane arc of movement of less than 180 degrees that are rigidly held at more than one point within said arc", and hence, specifically differentiates from Chun-Yueh.

Claims 24-33 were rejected under 35 USC § 103(a), as being unpatentable over Boggs. The Examiner contends that Boggs shows all of the teachings of the claimed

invention, and that consequently the method steps would have been incorporated in the use of the invention.

Independent Claims 24 and 29 have been amended to include the limitation of a positioning stand with anterior and posterior chassis support frames that are independently rotatably positionable about said arc of movement of said articulating connector and are rigidly held at more than one point within said arc.

Independent Claims 28 and 33 have previously been amended to include the limitation to the anterior and posterior chassis support frames which are independently rotatably positionable about said arc of movement and are rigidly held at more than one point within said arc. It is clear from the aforementioned arguments that Boggs does not show all of the teachings of the claimed invention and particularly fails to disclose any method of customization of the apparatus as now claimed. Hence, independent Claims 24, 28, 29, and 33 specifically differentiate from Boggs.

It is clear from the above arguments that Castelot et al (US4508384), McInturff (US5954402) did not anticipate chassis support frames that are rigidly held at more than one point within the movement arc in the first examiners search, Chun-Yueh did not anticipate the present application in the second examiners search, and Boggs did not anticipate the present application in the third examiners search. None of the aforementioned references alone or in combination have shown this limitation.

In view of the above, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Dated this 23<sup>rd</sup> day of April 2007.

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